

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 7TH JUDICIAL CIRCUIT
GENESEE COUNTY

DEPT. OF
ATTORNEY GENERAL
MAY 12 2009
DETROIT REVENUE & COLLECTION
RECEIVED

STATE TREASURER,

Plaintiff,

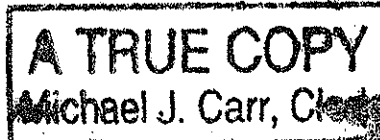
Case No. 09-90749-CZ

v

Hon. Richard B. Yuille

DAVID S. DUKES, [REDACTED]
WALTER DUKES, PERSONAL
REPRESENTATIVE, GWYN C. ABBOTT,
ESQ., GUARDIAN AD LITEM, ESTATE OF
DAVID DUKES, SR.,

Defendants.



MICHAEL A. COX
Attorney General

JULIUS O. CURLING (P58248)
Assistant Attorney General
Cadillac Place
3030 W. Grand Blvd., Ste. 10-200
Detroit, MI 48202
(313) 456-0140
(313) 456-0141-Fax
Attorneys for Plaintiff

DAVID S. DUKES, [REDACTED]
Cooper Street Correctional Facility
3100 Cooper Street
Jackson, MI 49201
Defendant – In Pro Per

ESTATE OF DAVID DUKES, SR.
c/o SHERRY TELLING, ESQ. (P34463)
2710 W. Court Street, Suite 1
Flint, MI 48503
(810) 238-8620
(810) 238-5295-Fax
Defendant

GWYN C. ABBOTT, ESQ. (P59980)
Gwyn C. Abbott, PLLC
Guardian Ad Litem
8161 S. Saginaw Street
Grand Blanc, MI 48439
(810) 694-1215
(810) 694-2178-Fax
Defendant

WALTER DUKES
Personal Representative
4339 Apache Drive
Burton, MI 48509
Defendant

CONSENT FINAL ORDER

CONSENT FINAL ORDER

At a session of said Court, held in the City
of Flint, Genesee County, Michigan on

PRESENT: Hon. _____
Circuit Court Judge

This matter having come before the Court on a Complaint and Order to Show Cause why an Order should not be entered appropriating and applying Defendant David S. Dukes' assets to reimburse the State for the cost of his confinement in a State correctional facility in accordance with the *State Correctional Facility Reimbursement Act* ("SCFRA"), being MCL 800.401, *et seq.*, and the parties having consented to this Order as evidenced by the signature of counsel and by Defendant David S. Dukes appearing below and the Court being otherwise fully advised:

FINDINGS OF FACT:

1. The Defendant David S. Dukes is incarcerated in a State of Michigan correctional facility.
2. Defendant David S. Dukes' current cost of incarceration through his earliest release date of December 27, 2012 is \$122,120.00 and to his maximum release date of December 27, 2022 is \$386,380.00.
3. Defendant Dukes owes \$1,858.73 in restitution and \$198.73 in court costs and fines/fees, Case No. 08-022023-FC-U.
4. In order to avoid the cost of further litigation, including the potential costs associated with the appellate process, the parties have agreed to resolve this matter according to the terms of this Order.

IT IS ORDERED THAT:

1. The funds held in Defendant David S. Dukes' prison account (excluding wages) shall be disbursed as follows:
 - a. **80%** percent to the "**State of Michigan**," and electronically mailed to Julius O. Curling Assistant Attorney General, Department of Attorney General, Prison Reimbursement Section.
 - b. The remaining **20%** percent to David S. Dukes.
2. The inheritance proceeds due Defendant Dukes from the Estate of David Dukes, Genesee County Probate Case No. 08-182833-DE, shall be disbursed as follows:
 - a. \$1,858.73 in restitution and \$198.73 in court costs and fines/fees, Genesee County Case No. 08-022023-FC-U, shall be paid in full from the Estate proceeds;
 - b. After all restitution and court costs have been paid in full, the State of Michigan shall be paid **80%** of the Estate balance and these assets shall be paid to the "**State of Michigan**" and mailed to: Julius O. Curling, Assistant Attorney General, Department of Attorney General, Prison Reimbursement Section, Cadillac Place, 3030 W. Grand Blvd., Ste. 10-200, Detroit, MI 48202.
 - c. **20%** to Defendant Dukes.
3. The hold (freeze) placed on Defendant Dukes' prison account shall be lifted.
4. Defendant Gwyn Abbott shall be and is hereby discharged from her appointment as receiver over the Estate proceeds.
5. Upon the above disbursement, this case shall be dismissed without prejudice, and without costs to any party.
6. This Final Order resolves the last pending claim in this matter and closes this

case.

Date: May 5, 2009

RICHARD B. YUILLE
Per

Hon. Richard B. Yuille
Genesee County Circuit Court Judge

APPROVED AS TO FORM AND SUBSTANCE:

Date: _____

David S. Dukes, [REDACTED]
Defendant – In Pro Per

Date: 5-1-09

Julius O. Curling (P58248)
Assistant Attorney General
Attorney for Plaintiff

APPROVED AS TO FORM AND SUBSTANCE:

Date: 4-30-09

x David Dukes

David S. Dukes
Defendant – In Pro Per

witnessed by
Julius O. Curling
AUS
4-30-09

Date: _____

Julius O. Curling (P58248)
Assistant Attorney General
Attorney for Plaintiff